

**RESOLUTION RE-GRANTING PRELIMINARY AND FINAL SUBDIVISION AND LOT  
LINE CHANGE APPROVAL**

*Highview Estates Minor Subdivision & Lot Line Change  
(Romeo & Diaz Properties)  
PB # 06-09*

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for preliminary approval of a subdivision and lot line change by Highview Estates of Orange County, Inc. (the "applicant") for a project described as the "Highview Estates Minor Subdivision & Lot Line Change";

**WHEREAS**, the subject site consists of ten acres of land and comprised of two tax map parcels in the Town of New Windsor identified on the tax map as section 56, block 1, and lots 53.1 and 53.2 (SBL 56-1-53.1 & 53.2); and

**WHEREAS**, the action involves a request for a lot line change, which is a minor subdivision approval from the Town of New Windsor; and

**WHEREAS**, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

**WHEREAS**, the Planning Board conducted an uncoordinated SEQRA review for this project; and

**WHEREAS**, during the course of the Planning Board's review of the Applicant's proposed subdivision plat, the Planning Board received and considered comments from the public as well as the Town's consultants; and

**WHEREAS**, a duly advertised public hearing on the application for subdivision and lot line change was held on May 10, 2006 at which time all those wishing to be heard were given the opportunity to heard; and

**WHEREAS**, on May 10, 2006 the public hearing on the application for subdivision and lot line change was closed; and

**WHEREAS**, on May 10, 2006 the Planning Board adopted a Negative Declaration under SEQRA and granted preliminary subdivision and lot line change approval; and

**WHEREAS**, on November 10, 2006 the preliminary approval was allowed to lapse; and

**WHEREAS**, an application was made to the Planning Board of the Town of New Windsor for new preliminary and final approval of a subdivision and lot line change by Highview Estates of Orange County, Inc. (the "applicant") for a project described as the "Highview Estates Minor Subdivision & Lot Line Change"; and

**WHEREAS**, on October 10, 2007 the Planning Board waived the public hearing for new preliminary and final approval of a subdivision and lot line change; and

**WHEREAS**, the Planning Board previously determined that the Proposed Action minimized or avoided significant environmental impacts and, adopted a Negative Declaration as part of the preliminary approval of subdivision and lot line change; and

**WHEREAS**, the Planning Board intends to re-affirm the previously adopted negative declaration; and

**WHEREAS**, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

**WHEREAS**, the applicant has submitted a proposed subdivision plat consisting of 4 sheets, prepared by Zimmerman Engineering & Surveying, P.C. dated December 6, 2005 and last revised on September 26, 2007; and

**WHEREAS**, the applicant is seeking final subdivision approval, which would create four new lots from two existing lots but would not result in any additional disturbances beyond that previously reviewed for this application;

**NOW, THEREFORE**, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the preliminary and final subdivision and lot line change subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the subdivision plat to the satisfaction of the Planning Board Engineer and Planning Board Attorney;

3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;

4. The applicant shall be required to submit a Private Road Completion Bond pursuant to Town street specifications §252-27(A)(8);

5. The applicant shall submit a Private Road Maintenance Declaration to be approved by the Planning Board attorney;

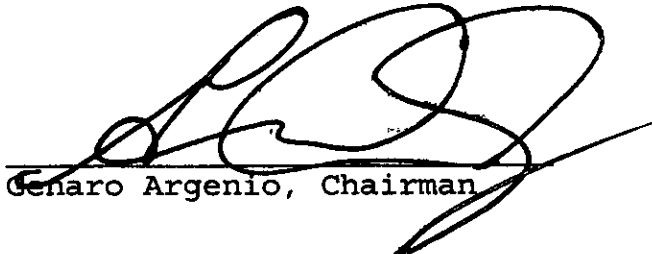
6. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plat for signature within three hundred sixty (360) days of the date of this resolution.

AND BE IT FURTHER RESOLVED, that the Planning Board hereby grants all permitted extensions and that this approval shall expire on October 18, 2008; no further extensions can be made.


Upon motion made by Member Schlesinger, seconded by Member Gallagher, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	Aye	Nay	Abstain	<u>Absent</u>
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	Aye	Nay	Abstain	<u>Absent</u>
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent
- - -				
Alternate, Henry Schieble	Aye	Nay	Abstain	<u>Absent</u>

Dated: November 14, 2007  
New Windsor, New York

  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 28<sup>th</sup> day  
of November, 2007.

  
Deborah Green  
Town Clerk